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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) CSCO-002/94701	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on October 17,2005 Signature_____	Application Number 09/785,884	Filed February 15, 2001
	First Named Inventor Amit PHADNIS	
Typed or printed name Narendra R Thappeta	Art Unit 2152	Examiner Lesniewski, Victor D

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

Naren Thappeta
Signature

I am the
☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Narendra R Thappeta
Typed or printed name

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☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

October 17, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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In re application of: Phadnis *et al.*	
Appl. No.: 09/785,884	Art Unit: 2152
Date Filed: February 15, 2001	Examiner: Lesniewski, Victor D
For: Aggregation Devices Processing Keep-alive Messages of Point-to-point Sessions	Attorney Docket No.: CSCO-002/94701

Arguments Accompanying Pre-appeal Brief Request for Review

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit the following arguments accompanying the pre-appeal brief request for review submitted herewith.

Broadly, it is applicants' position that the Examiner has failed to show proper motivation for making a modification in the obviousness rejection with respect to claims 1 and 2. In addition, the features of claim 2 are not met by the references of record. The arguments with respect to claim 1 are presented first below.

With respect to claim 1, it recites:

> 1. (Original) A method of processing a plurality of keep-alive messages generated by a corresponding plurality of end systems, each of said plurality of keep-alive messages being designed to request the status of a ***corresponding point to point (PPP) session*** implemented on a communication network, said method comprising:
>
> receiving in an aggregation device said plurality of keep-alive messages;
>
> ***generating in said aggregation device an aggregated request packet which indicates that the status of said PPP sessions is requested***; and

PAGE 9/12 * RCVD AT 10/17/2005 10:09:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:Naren Thappeta, Esq. * DURATION (mm-ss):07-32

> sending said aggregated request packet on said communication network to a peer aggregation device.
> (Pending Claim 1, ***Emphasis Added***)

In other words, claim 1 recites that the aggregated request packet (sent to a peer aggregation device) indicate that the status multiple PPP sessions is requested.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ketcham (U.S. Patent Number 6,721,334) in view of Pereira (U.S. Patent Number 5,781,726).

As explained in Page 3 line 9 through page 4 line 9 of the Applicants'response dated April 7 2005, "the optimization in Pereira appears to be obtained by forwarding (say in edge device d1) polling traffic of one selected polling session, ***while blocking the polling traffic from other sessions***." (Lines 1-5 on page 4 of the response dated April 7 2005, ***Emphasis Added***).

With respect to the blocking feature noted above, the Examiner had stated that:

> The applicant's statement that Pereira's system differs from the aggregation of the present invention because it "would resort to blocking of polling traffic for traffic optimization" is ***irrelevant when considering Pereira's keep-alive messages in combination with the aggregation processing of Ketcham***.
> (Page 3 lines 11-14, Final Office Action Dated 06/27/2005, ***Emphasis Added***)

Indeed, the blocking feature of Pereira is relevant in that it would clearly establish that the combination of Ketcham and Pereira would not render claim 1 obvious under 35 U.S.C. § 103.

At a high level, it is first noted that Ketcham merely teaches generalized aggregation of packets while Pereira teaches a traffic optimization technique (by blocking, as explained above), which is substantially different from the recitation of claim 1. In view of the difference of techniques (as well as also for reasons noted below), without the benefit of teachings of the present patent application, there would not be the necessary motivation

PAGE 10/12 * RCVD AT 10/17/2005 10:09:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:Naren Thappeta, Esq. * DURATION (mm-ss):07-32

to combine the two references as asserted by the Examiner.

Specifically, assuming that the technique of Pereira is operational, traffic related to only a single polling session would be forwarded on the communication network, and data from other sessions would be blocked (in Pereira). In such a situation, there would not exist data from multiple sessions from Pereira for Ketcham to aggregate!

On the other hand, if Pereira were to permit forwarding of data related to multiple sessions, that would be inconsistent with the intended operation of Pereira.

Accordingly, claim 1 is allowable over the art of record. The remaining independent claims are also allowable at least for reasons noted above. The presented dependent claims are allowable at least as depending from corresponding allowable base claims.

Claim 2 is also allowable independently over the art of record. Claim 2 recites:

> 2. (Original) The method of claim 1, further comprising:
> receiving said aggregated request packet in said peer aggregation device;
> indicating ***the status of said plurality of sessions*** in an aggregated reply packet; and
> sending said aggregated reply packet to said aggregation device.
> (Original Pending Claim 2, ***Emphasis Added***)

Claim 2, when construed in view of claim 1, recites that the status of the same sessions that were contained in the request packet, is indicated in the aggregated reply packet.

On the other hand, with respect to claim 2, the Examiner had asserted:

> ... Pereira discloses a response poll (or reply packet) that indicates the status of a session, as discussed in the previous citation, column 6, lines 1-6, and

> elsewhere. ***Taking into consideration this reply packet with the aggregation processing of Ketcham, an aggregated reply clearly results.***
> (Page 4 lines 8-12, Final Office Action Dated 06/27/2005, ***Emphasis Added***)

Even assuming arguendo that an aggregated reply results from the combination of Ketcham and Pereira, there is no disclosure or suggestion in the art of record that the aggregated reply packet would contain the status of the sessions contained in a request packet (previously received).

It is respectfully noted that the response poll of Pereira would be for a single polling session, and the response poll for that single polling session would be used by Pereira with respect to remaining non-polling sessions passing through the first edge device of Pereira.

Thus, again, it appears that there would not be multiple reply packets of Pereira for the system of Ketcham to aggregate.

At least for such reasons, claim 2 is independently allowable over the art of record. The remaining pending claims are also allowable at least for the reasons noted above.

Conclusion

Thus, all the presented claims are in condition for allowance over the art of record. The Examiner is invited to telephone the undersigned representative if it is believed that an interview might be useful for any reason.

Respectfully submitted,

Naren Thappeta

Date: October 17, 2005

Narendra Reddy Thappeta
Attorney for Applicant
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PAGE 12/12 * RCVD AT 10/17/2005 10:09:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:Naren Thappeta, Esq. * DURATION (mm-ss):07-32